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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/669,171

09/23/2003

Brian Gonsalves

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04/21/2009

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HUYNH, BA

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/669,171	<b>Applicant(s)</b> GONSALVES ET AL.	
	<b>Examiner</b> Ba Huynh	<b>Art Unit</b> 2179	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-26 and 40-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-26 and 40-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/22/09 has been entered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 16-24, 25, 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification fails to provide a detailed description of the claimed limitation "the list including a unique address for the video content source and at least one connection rule for accessing the video content source" (claim 16, lines 4-6). In a telephone interview on 4/7/09 the applicant indicates that support for the limitation is in par. 0024, 0048 and 0049 of the specification. However none of the cited paragraphs clearly describe the

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limitation. The most relevant par 0049 discloses that "the system may convert the received address to a unique address of the desired content by referring to a maintained list of available resource". Accordingly, none of the cited par. 0024, 0048 and 0049 teaches that the maintained list of available resources has both the unique address for the video content source and at least one connection rule for accessing the video content source.

### ***Claim Rejections - 35 USC § 103***

1. Claims 16, 18-23, 25-26 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent application publication 2007/0124448 (Baum et al), further in view of US patent application publication 2003/0028890 (Swart et al).

- As for claim 16: Baum et al (hereinafter Baum) teach a computer implemented method and corresponding apparatus of network services comprising receiving a request for connection to a video content source in a first network (WAN, 0070) of multiple networks (0082, 0125, 0126), maintaining a list of available video content sources in the multiple networks, the list including a unique address for the video content source and at least one connection rule for accessing the video content source (0095, 0130, 0135, 0144, 0149, tables 1 and 2), determining the unique address for the video content source (0130-0135), initiating formation of at least a portion of point-to-point protocol communication (0082, 0125, 0126, 0130-0135) between a user device in a second network (LAN, 0070) of the multiple networks and the video content source (0116, 0126). Per Baum, users are billed for the services provided (0133). Baum further teaches monitoring subscriber's bandwidth utilization (0138).

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Baum fails to clearly teach billing subscriber based on tracking a metric associated with communication of the information stream. However it would have been obvious to one of skill in the art that services provided have to be track in order to accurately charge the user. Implementation of tracking a metric associated with communication of the information stream for billing is well known and is disclosed by Swart (20, 59, 72). It would have been obvious to one of skill in the art to combine Swart's teaching of the metric tracking to Baum for billing customer. The metric is selected from a group consisting of information throughput and connection duration (0020, 0056, 0059, 0109). The system further comprises a billing engine to generate an invoice based on the metric (0059, 0072).

- As for claim 18: A telephone interface associated with the access engine (Baum's 0006, Swart's 0048). User input can be received via a voice recognition system (Swart's 0064, 0074). Thus the conversion of voice input to a request for connection appears inherently include, or even if it is not, it would have obvious to one of skill in the art in light of Baum&Swart's teaching of the voice recognition system and the telephone interface for providing a supplement input interface.
- As for claim 19: Swart further discloses a billing engine to generate an invoice based on the metric (0059, 0072) and informing the user the cost of service (0119, 0125).
- As for claim 20: The metric includes information throughput and connection duration (Swart's 0020, 0056, 0059, 0109). Tracking quality of service (Baum's 0027, 0094) and peak bandwidth (Baum's 0138) for billing would have been obvious method of doing business in video transmission.

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- As for claim 21: The system supports constant bit rate and variable bit rate (“unspecified bit rate”, 0006, 0048, 0143). In light of Baum’s, implementation of converting variable bit rate to constant bit rate stream would have been obvious for better video quality and bandwidth control.
- As for claim 22: It is implicitly included that the video content source toggle from not output to output state responsive to an accepted video transfer request.
- As for claim 23: At least a portion of the request comprises a format selected from the group consisting of a dual tone multi-frequency signal, a TCP/IP packet, and a voice signal (Baum’s 0041, 0078, 0079, 0083; Swart’s 0045, 0064, 0074, 100).
- As for claim 25: Baum discloses sending data including a plurality of connection options to the video content source, the plurality of connection options including a PPP protocol communication link connection option (tables 1, 2, 0095, 0130-0135, 0144, 0149), receiving a selection of the managed PPP connection option to initiate a formation of at least a portion of point-to-point protocol communication (0082, 0125, 0126, 0130-0135).
- As for claim 26: Connection information is stored in a network management system. The connection information includes the address of the video content source and at least one connection rule (Baum’s tables 1, 2, 0095, 0130-0135, 0144, 0149).
- As for claim 41: The metric (viewing statistic, usage time, bandwidth and duration) associated with communication of the information stream is tracked during communication of the information stream (Swart’s 0020, 0088, 0109, 0116)

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Claims 17, 24, 40 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent application publication 2007/0124448 (Baum et al), further in view of US patent application publication 2003/0028890 (Swart et al), further in view of US patent application publication 2006/0293965 (Burton).

- As for claims 17, 24, 40: Baum et al (hereinafter Baum) teach a computer implemented method and corresponding apparatus of network services comprising receiving a request for connection to a video content source in a first network (WAN, 0070) of multiple networks (0082, 0125, 0126), maintaining a list of available video content sources in the multiple networks, the list including a unique address for the video content source and at least one connection rule for accessing the video content source (0095, 0130-0135, 0144, 0149, tables 1 and 2), determining the unique address for the video content source (0130-0135), sending data including a plurality of connection options to the video content source, the plurality of connection options including a PPP protocol communication link connection option (tables 1,2, 0095, 0130-0135, 0144, 0149), initiating formation of at least a portion of point-to-point protocol communication (0082, 0125, 0126, 0130-0135) between a user device in a second network (LAN, 0070) of the multiple networks and the video content source (0116, 0126). Per Baum, users are billed for the services provided (0133). Baum further teaches monitoring subscriber's bandwidth utilization (0138). Baum fails to clearly teach billing subscriber based on tracking a metric associated with communication of the information stream. However it would have been obvious to one of skill in the art that services provided have to be track in order to accurately

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- charge the user. Implementation of tracking a metric associated with communication of the information stream for billing is well known and is disclosed by Swart (20, 59, 72). It would have been obvious to one of skill in the art to combine Swart's teaching of the metric tracking to Baum for billing customer. The metric is selected from a group consisting of information throughput and connection duration (0020, 0056, 0059, 0109). The system further comprises a billing engine to generate an invoice based on the metric (0059, 0072) and informing the user the cost of service (0119, 0125). The combine Baum&Swart fails to teach accepting input method of payment. However implementation of accepting input method of payment is well known in the art (e.g., pay-per-view), and is disclosed by Burton (0030, 0176). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Burton's teaching of accepting input method of payment to Baum&Swart. Motivation of the combine is for the business preparation and verification.
- As for claim 42: The metric (viewing statistic, usage time, bandwidth and duration) associated with communication of the information stream is tracked during communication of the information stream (Swart's 0020, 0088, 0109, 0116).

### ***Response to Arguments***

Applicant's arguments filed 7/25/08 have been fully considered but they are not persuasive.

Remarks:



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37 CFR 1.104 requires that when a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified. The Baum and Swart references clearly describe its inventions to the public and had met the enablement and description requirements of the 35 USC 112. In addition, each particular part of the references which read on the pending claims' limitations was clearly identified by the examiner. Thus the Office action sufficiently and clearly addressed all limitations of the pending claims. In addition, as a policy of the Office, the applicant is always welcomed to contact and discuss with the examiner about any unclear issue in the Office action.

In response to the argument that the combine references do not teach the list comprising available video content source and at least one connection rule, the list is disclosed by Baum in tables 1 and 2, and associated description in 0095, 0130-0135, 0144, 0149.

In response to the argument that the combined references do not teach converting spoken directive to request for connection, the conversion is implicitly included in Swart's teaching of voice recognition (0064, 0074) and telephone entry (0044).

As for claims 24 and 40: Baum discloses a list of available video content sources includes a unique address for the video content source and at least one connection rule for accessing the video content source (0095, 0130-0135, 0144, 0149, tables 1 and 2), determining the unique address for the video content source (0130-0135), sending data, i.e., the list, including a plurality of connection options to the video content source, the plurality of connection options including a PPP protocol communication link connection option (tables 1,2, 0095, 0130-0135,

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0144, 0149), initiating formation of at least a portion of point-to-point protocol communication (0082, 0125, 0126, 0130-0135) between a user device in a second network (LAN, 0070) of the multiple networks and the video content source (0116, 0126)

As for claim 41, 42, the metric (viewing statistic, usage time, bandwidth and duration) associated with communication of the information stream is tracked during communication of the information stream (Swart's 0020, 0088, 0109, 0116)

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Ba Huynh/

Primary Examiner, Art Unit 2179